

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 194 of 2019

Ku. Pushpa Soni D/o Shri Ramdayal Soni Aged About 37 Years R/o Village - Harhethi, Post - Portha, Tahsil - And Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Forest Department, Naya Raipur, Raipur Chhattisgarh.
2. Principal Chief Conservator Of Forest Aranya Bhawan, North Block, Sector-19, Atal Nagar, District Raipur Chhattisgarh.
3. Divisional Forest Officer Forest Division Champa, District Janjgir Champa Chhattisgarh.
4. Forest Range Officer, Forest Range - Sakti, District Janjgir Champa Chhattisgarh.

---Respondents

For Petitioner	:	Mr. S.P. Kale, Advocate along with Mr. Lav Sharma, Advocate
For Respondents/State	:	Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

11/01/2019

1. The present writ petition has been filed seeking for a direction to the respondents to consider the claim of the petitioner for regularization.
2. The facts of the case is that the petitioner was engaged as a daily wage employee by the respondents in March, 2007. She continued to work till 24.11.2008, when she was discontinued from service.
3. The discontinuance of service was immediately challenged before the Labour Court vide case No. 6/I.A. Act/2010 (Reference). The Labour Court passed an order in favour of the petitioner on 05.06.2010 ordering reinstatement without back wages and also continuity of service.

4. Pursuant to the order of the Labour Court, the petitioner has also been reinstated in service. The order of the Labour Court dated 05.06.2010 was subjected to challenge by the State Government before the High Court in WPL No. 88/2012. The said writ petition has been dismissed by this Court vide its order dated 11.01.2019. In the light of the writ petition preferred by the State Government having dismissed, the order of the Labour Court stands affirmed and the petitioner shall be deemed to be in service from 2007 onwards.
5. Given the said facts, let the petitioner in the light of the judgment of the Division Bench of this Court in the case of “**Tukaram Vs. State of Chhattisgarh**” (WPS No. 1703/2015) and other analogous writ petitions decided on 16.05.2017 would be entitled for the benefits of continuity of service from 2007 till date, keeping the intervening period i.e. the period of litigation also be period spent on duty.
6. Given the said facts, the petitioner's case should be considered for regularization in accordance with the circulars governing the field i.e. the circular dated 05.03.2008 and any circular subsequently passed in this regard by the State Government. While considering the case, the authorities would also keep in view the judgment of the Division Bench of this Court in the case of “**Tukaram**” (supra) as also the judgment of the Hon'ble Supreme Court in the case of “**Narendra Kumar Tiwari & Others v. State of Jharkhand**” 2018(8) SCC 238.
7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge